

REMARKS

Applicant hereby responds to the Office Action of June 23, 2008, in the above-referenced patent application. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1, 3-8, 10-14 and 44-47 are pending in the above-referenced patent application. Claims 1, 3-8, 10-14 and 44-47 are rejected based on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 33, 35, 37 and 39 of U.S. Patent Application No. 10/856,171.

Rejections under Nonstatutory Double Patenting

Claims 1, 3-8, 10-14 and 44-47 are rejected based on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 33, 35, 37 and 39 of U.S. Patent Application No. 10/856,171. Applicant respectfully disagrees. However, Applicant hereby submits a timely filed terminal disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome the nonstatutory obviousness-type double patenting rejection.

Accordingly, withdrawal of the nonstatutory obviousness-type double patenting rejections for claims 1, 3-8, 10-14 and 44-47 are respectfully requested.

Claims Not Rejected Over Prior Art

Applicant notes that claims 1, 3-8, 10-14 and 44-47 are not rejected over prior art. Applicant respectfully asserts that claims 1, 3-8, 10-14 and 44-47, as they now stand, are allowable for the reasons given above.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 3-8, 10-14 and 44-47 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone interview will help further the prosecution of this case, Applicant respectfully requests that the undersigned attorney be contacted at the listed telephone number.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**,
19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

Attachments: Terminal Disclaimer.

Respectfully submitted,

/MZ/

Michael Zarrabian, Reg. No. 39,886
Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612
(949) 223-9600
(949) 223-9610 – Fax
Customer No.: 23386